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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,076	12/10/2003	Michael Evans	P4800C1	8495

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CENTRAL COAST PATENT AGENCY, INC
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WATSONVILLE, CA 95076

EXAMINER

AU, GARY

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/733,076	Applicant(s) EVANS ET AL.	
	Examiner Gary Au	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/2/2006 have been fully considered but they are not persuasive.

In response to applicant's argument about Shteyn does not teach that the exhibit is at a trade show, the examiner disagrees. Shteyn discloses a network-connected server, a first computerized communication device and a second computerized communication device using a seeker profile to find matches of interested and provide contact information for the associated exhibit in a shopping mall. Even though Shteyn discloses in a shopping mall environment, the same setup can be done in any environment including a trade show.

In response to applicant's argument about Shteyn does not teach the invention occurs on a network server, the examiner disagrees. Shteyn discloses an application server 420 assists in carrying and matching process (col. 7 lines 55-61 and col. 8 lines 39-41).

In response to applicant's argument about Shteyn fails to perform the matching function unless the mobile device is within range, the examiner disagrees. None of the claims in the application reflect on the argument. Therefore, the argument is not persuasive.

In response to applicant's argument about Shteyn fails to disclose an agent having a computerized communication device for the service, the examiner disagrees.

Shteyn discloses a system that provides a connection pointer such as SMS, toll telephone no., and URL, the agent has to have a computerized communication device in order for the first user to reach.

In response to applicant's argument about the combination of Shteyn and Borgstahl, the examiner disagrees. Shteyn and Borgstahl are both disclosing a system that provides information for a user in a telecommunication environment, therefore, they are analogous.

In conclusion, the applicant's claims are written in such a fashion that the limitations read on Shteyn in view of Borgstahl.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 23-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,782,253 Shteyn et al. (Shteyn) and further in view of US Patent No. 6,487,180 Borgstahl (Borgstahl).

Considering claim 23, Shteyn teaches a system for promoting exhibits at a shopping mall (figure 1, col. 6 lines 37-57 and col. 7 lines 33-54), comprising: a network-connected server storing an exhibit profile for individual ones of a plurality of the exhibits

(col. 8 lines 12-41); a first computerized communication device usable by a first person potentially interested in one or more of the exhibits at the shopping mall (mobile device 108 – figure 1, col. 37-57); and inherently teaches a second computerized communication device usable by an agent for one of the exhibits (col. 8 lines 42-58, where Shteyn discloses providing a pointer to connect to the agent with SMS or telephone number, therefore, the agent has to have a communication device); wherein the first person registers a seeker profile with the server (Content 202 – figure 2, col. 7 lines 13-32, where the content includes the user's location, activity and interests), the server compare the seeker profile with stored exhibit profiles and finds one or more matches (filter matching process 204 – figure 2, col. 7 lines 55-61 and col. 8 lines 12-41), and provides a communication address for the second communication device to the first person to contact the agent for the associated exhibit (col. 8 lines 42-58). However, Shteyn does not teach that the exhibit is at a trade show.

In an analogous art, Borgstahl teaches that the exhibit is at a trade show (col. 14 lines 30-44).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Shteyn's system to include that the exhibit is at a trade show, as taught by Borgstahl, for the advantage of providing information that is tailored to the user (col. 14 lines 30-44).

Considering claim 28, Shteyn teaches a method for promoting exhibits at a shopping mall (figure 1, col. 6 lines 37-57 and col. 7 lines 33-54), comprising: (a) storing

Art Unit: 2617

an exhibit profile for individual ones of a plurality of the exhibits on a network-connected server (col. 8 lines 12-41); (b) registering a seeker profile with the server by a first person having a first computerized communication device (col. 7 lines 13-54); (c) comparing seeker profiles with exhibit profiles by the server and finding a match between the seeker profile and an individual one of the exhibit profiles (filter matching process 204 – figure 2, col. 7 lines 55-61 and col. 8 lines 12-41); and (d) passing a communication address to the first person by the server for a second computerized communication device usable by an agent for the exhibit matched to the seeker profile (col. 8 lines 42-58). However, Shteyn does not teach that the exhibit is at a trade show.

In an analogous art, Borgstahl teaches that the exhibit is at a trade show (col. 14 lines 30-44).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Shteyn's system to include that the exhibit is at a trade show, as taught by Borgstahl, for the advantage of providing information that is tailored to the user (col. 14 lines 30-44).

Considering claims 24 and 29, Shteyn further teaches one or both of the computerized communication devices are cellular telephones (mobile device 108 – figure 1, col. 6 lines 37-57).

Considering claims 25 and 30, Shteyn further teaches the network is the Internet network (col. 7 lines 13-32).

Considering claims 26 and 31, Shteyn further teaches the first computerized communication device is an Internet-capable device (col. 7 line 62 – col. 8 line 11), and first person registers the seeker profile using the first computerized communication device (col. 7 lines 33-54).

Considering claims 27 and 32, Shteyn further teaches the first communication device is an Internet-capable cellular telephone (col. 7 line 62 – col. 8 line 11).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Au whose telephone number is (571) 272-2822. The examiner can normally be reached on 8am-5pm Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GA


LESTER G. KINCAID
SUPERVISORY PRIMARY EXAMINER